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| EXAMINER | |
|---|---|
| CHEN, TE Y | |

| ART UNIT | PAPER NUMBER |
|---|---|
| 2161 | |

DATE MAILED: 11/25/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

| Office Action Summary | Application No. | Applicant(s) | |
|---|---|---|---|
| | 09/821,041 | HELT, DAVID J. | |
| | Examiner | Art Unit | |
| | Susan Y. Chen | 2161 | |

*-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --*

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

1)☒ Responsive to communication(s) filed on *31 August 2005*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

4)☒ Claim(s) *1-10 and 12-16* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-10, 12-16* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

**Application Papers**

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date *09/09/2005*.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

***Response to Amendment***

This office action is in response to amendment filed on 08//2005.

Claims 1 – 10 and 12-16 are pending for examination, claim 6 is amended and claim 11 is canceled.

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Claims 1-10 and 12-16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Brandt et al. (U.S. Patent No. 6,714,979) in view of Probert Jr., et al. (U.S. Patent No. 6,549,918).

As to claims 1, 6 and 12, Brandt et al. (thereinafter referred as Brandt) discloses a system with means, method and computer program product, for converting a plurality of data files and associated information from a first file format to a second file format [e.g. see Fig(s). 2-6; Abstract], comprising:

a) a legacy file server for storing a plurality of legacy data files in a first file format [e.g., the Legacy platforms 80(a)-(d), col. 9, line 50 - col. 10, line 16];

b) a file extraction program for retrieving the legacy data files as well as associated indexing and work history information from the legacy file server [e.g., the Information Advantage® software running on the Decision Support Server 475, Fig. 7 and associated texts];

c) the file extraction program further operating to convert the legacy data files and related information into data files meeting a current selected format [col. 15, lines 7-39];

d) a conversion verification program for ensuring that the conversion made by the file extraction program is completed without errors [e.g., the NRL(382), the ARDA (383) and the FTP (378) verification processing, Fig. 14(b); col. 33, line 25 – col. 34, line 34];

e) a file importing program for importing the newly converted files into a current format file server [the import/export common services at col. 7, lines 20-24]; and wherein the legacy data files include a first format image [e.g. a stored data mart files, col. 15, lines 4-5] and a format work information portion [e.g., the metadata, col. 14, line 45 – col. 15, line 20].

Brandt did not specifically disclose the file extraction program detail processing steps as claimed by applicant.

However, Probert Jr. et al. (thereinafter referred as Probert Jr.) discloses the file extraction program detail processing steps as claimed by applicant [e.g., Abstract, Fig(s). 3-5 and associated texts].

Brandt and Probert Jr. are both in the same field to extract and convert a plurality of files stored in an Internet communication environment. Therefore, it would have been

obvious for an ordinary skilled person at the time the invention was made to apply the well known file extraction processing details as disclosed by Probert Jr. into Brandt's data extraction system, because by doing so, as suggested by Probert Jr. the combined system would dynamically formatting any application file from one format into another format for faster access and make the system upgrade easier to perform and also allows upgrades to take place in stages, which can be very important for organizations with large numbers of systems. Furthermore, applications can also embed files in a new context, such as in emails or copying to an offline media, where specific formats are required. [e.g., Probert Jr., col. 4, lines 26-49].

As to claims 2-5, 7 and 13-16, the combined system of Brandt and Probert Jr. further teaches that the file extraction program is resident on a file extraction server operatively connected to the legacy file server [e.g., Brandt: the Information Advantage® software running on the Decision Support Server 475 can be coupled to the MCI Mainframe systems, Fig(s). 3, 6-7 and associated texts]. wherein, the file extraction server comprising the following functions:

a) receiving a listing of files to be converted from one format to second format via the communication link, wherein the listing includes an identification of at least one file stored in a first file format [e.g., Brandt: the steps: 430-600, Fig. 8 and associated texts; col. 15, line 51- col. 17, line 50] and the at least one first format data file further includes a first format indexing information [e.g., Brandt: the Key Sequence indexing processing, col. 17, lines 51-col. 8, line 6];

b) determining an accuracy of the second format data file, if it is not accurate than generating an error message [e.g., Brandt: the NRL(382), the ARDA (383) and the FTP (378) verification processing, Fig. 14(b); col. 33, line 25 – col. 34, line 34];

c) converting media and document from first format to second format by using top-down and appending the next format indexing to the next media and document [Brandt: col. 20, lines 3-32; Fig. 11 and associated texts];

d) creating a second format data file including both the second format image portion and the second format work information image portion [e.g., Probert Jr.: Fig. 3 and associated texts].

As to claims 8-10, the combined system of Brandt and Probert Jr. further teaches all the features as claimed, Brandt further disclose that the conversion verification program is resident on a conversion verification server [e.g., Brandt: the StarOE server, col. 34, lines 12-15] operatively connected to the legacy file server [e.g., Brandt: the Dispatch Server (46, Fig. 3), col. 34, line 14] and the file extraction server [e.g., Brandt: the DMZ Web server, col. 33, line 65] via a network [e.g., Brandt: the Public Internet (33, Fig. 3), the NRL (382), the ARDA (383) and the FTP (378) verification processing, Fig. 14(b); col. 33, lines 25 – col. 34, line 34].

***Response to Argument***

Applicant's arguments filed 08/31/2005 have been fully considered but they are not persuasive.

The examiner disagrees with applicant's arguments and piece-meal interpretations of the prior art on record, specifically that "Brandt fails to teach of suggest the claimed features relating to data conversion, so as to teach the claimed invention." And "the proposed modification of Brandt based on Probert's teaching of file extraction fails to cure the deficiencies of Brandt , i.e., since Brandt's deficiencies lie in data conversion, vis-à-vis the claimed invention."

In response to applicant's arguments against the references individually, the Office points out that one cannot show nonobviousness by attacking references individually where the rejections are based on combinations of references. See *In re Keller*, 642 F.2d 413, 208 USPQ 871 (CCPA 1981); *In re Merck & Co.*, 800 F.2d 1091, 231 USPQ 375 (Fed. Cir. 1986).

Furthermoe, as cited in the above paragraphs, Brandt specifically discloses converting the first format image portion of the claimed at least one data file to a second format image portion, for example, Brandt specifically disclose the following:

"the data warehousing infrastructure 400 comprises the following system components: a traffic component 405 for receiving call detail records, sorting CDRs into billable records, error and suspense records, expands records, CustID's, prices at tariff; 2) a National Commercial Billing System "NCBS" mainframe process 410 that performs pricing at tariff for nMCI Interact virtual network ("Vnet") and Vision customers and, processes by runstream at one or more datacenters; 3) a Tollfree Billing mainframe process 420 that performs pricing at tariff for Tollfree customers and, processes by runstream at one or

more datacenters; 4) Common Data Gateway (CDG) 430 comprising: a) an Extract process 500 for creating selection tables including all current nMCI Interact customers, compressing files for transmission to service centers, and extracting (Priced Reporting enabled) records from divisions or runstreams; and, b) a Harvesting component 600 including processes for creating dimension tables based on data within selected BDRs, applying business rules to the data, transforming the data into centralized fact table, creating load files for data marts, and compressing files for transmission; 5) Operational Data Store (ODS) component 450, including a process 465 for loading transformed billing detail records as a centralized fact table in one or more data marts storage devices, and integrating both static and dynamic dimension tables 460 according to a star-schema structure so that on-demand reports may be efficiently produced; 6) data marts 470 for storing the billing detail records in a fact table database, e.g., Informix, organized in a star-schema structure to facilitate priced call detail reporting; 7) a Decision Support Server 475 executing a combination of logic programs such as C++ and Information Advantage® software for use as the reporting engine. This component reads metadata, translates into queries, runs queries against harvested data fact tables in data marts, formats query results into a format readable by Message Center viewers, transmits complete reports to directory on Inbox server, and, additionally, performs cost estimation, scheduling, transaction logging and generates report metrics; and, 8) Talarian Smart Sockets interface between the decision support server and the StarWRS report requester reporting system comprising messaging middleware used to coordinate report requests transmitted from StarWRS to DSS."

Wherein Brandt clearly discloses a data warehousing infrastructure 400 comprises an Extract process 500 for creating selection tables, compressing files for transmission to service centers, and extracting (Priced Reporting enabled) records from divisions or runstreams. Furthermore, he clearly discloses that the system has a Harvesting component 600 including processes for creating dimension tables based on data within selected BDRs, applying business rules to the data, transforming the data

into centralized fact table, creating load files for data marts, and compressing files for transmission. In addition, he clearly discloses that the system includes a Decision Support Server 475 executing a combination of logic programs such as C++ and Information Advantage® software for use as the reporting engine to perform the following actions:

1) reads metadata;

2) translates into queries,

3) runs queries against harvested data fact tables in data marts and formats query results into a format readable by Message Center viewers.

Wherein, the reporting server reads metadata is the same as the claimed extract work information in a first metadata format. Furthermore, the server translates metadata into queries is the same as claimed converting the first format working information portion to a second format work information. In addition, the server runs queries against harvested data fact tables in data marts format and produce formatted final results for viewers to review is the same as claimed creating a second format data file and importing the file for review via a formatter.

Moreover, Probert Jr. discloses Dynamic information format conversion system [e.g., the title] has a software filter driver [i.e. an extraction driver] to determine a specific format that a program expects including image processing format [col. 8, lines 41-44] and dynamically converts the old versions of information to a newer format including the details as claimed by applicant [Abstract; col. 9, lines Fig(s). 3-5 and associated texts].

Hence, one of ordinary skill in the art at the time the invention was made would in fact, contrary to applicant's arguments, look to incorporate a dynamic information extraction and conversion interface as taught by Probert Jr. in Brandt's system for on-the-fly data extraction and conversion that is expected by any application program where a specific format is required. Therefore, the examiner contends that there would be most definitely a reasonable expectation of success.

***Conclusion***

**THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Susan Y Chen whose telephone number is 571-272-4016. The examiner can normally be reached on Monday - Friday from 7:00-4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Safet Metjahic can be reached on 571-272-4023. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Susan Y Chen
Examiner
Art Unit 2161

November 22, 2005

UYEN LE
PRIMARY EXAMINER